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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,261	12/28/2000	Rainer Lienhart	042390.P10325	1229

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EXAMINER

SENF, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/752,261

**Applicant(s)**

LIENHART, RAINER

**Examiner**

Behrooz Senfi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,11-13 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,11-13 and 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant amendment (filed 6/13/2005) canceled claims 5, 7 – 10 and 14 – 25.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, are rejected under 35 U.S.C. 102(e) as being anticipated by Szeliski et al (US 6,600,491).

Regarding claim 1, Szeliski '491 discloses, "processing video comprising: acquiring a video stream" (i.e. fig. 1, video camera 192, col. 9, lines 7 - 8), and "dividing the video stream into a plurality of sub-sections" (i.e. col. 9, lines 8 – 9, sampling video images, and col. 23, lines 25 – 35), and "determining a probability of whether one or more synthesized transition effects are present at one of the plurality of sub-sections of the video stream" (i.e. fig. 2, synthesizer 202, and col. 4, lines 60 – 67), and "wherein the one or more transition effects are of a specific number and a specific type" (i.e. col. 4, lines 57 – col. 5, lines 2, wherein potential acceptable transition is the type of transition to ensure a smooth appearance), and "embedding the probability into the sub-section of the video stream" reads on (i.e. fig. 2, rendering module 208, wherein

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selected frame associated with a particular transition are manipulate/synthesize to generate a new sequence of frames).

Regarding claims 2 - 3, Szeliski '491 discloses, "probability is performed by a classifier, claim 2" (i.e. col. 3, lines 50 - 57), and "classifier is provided a fixed sized portion of the sub-section" (i.e. fig. 4, col. 9, lines 19 - 23).

~~Regarding claim 6,~~

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 6, 11 - 13 and 26 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox et al (US 6,072,542) in view of Szeliski '491.

Regarding claim 11, Wilcox '542 teaches, "processing video comprising: acquiring a first shot and a second shot from a plurality of video streams" (i.e. col. 3, lines 25 - 45), and "determining a duration of a transition sequence based on probability distribution (i.e. fig. 7, T2 - T3, col. 4, lines 32 - 36), transition sequence including one or more transition effects of a specified number and a specified type, and generating the transition sequence of the duration, the transition sequence having the one or more transition effects" (i.e. figs. 6 - 7, col. 4, lines 44 - 52), and generating a video sequence comprising the transition sequence from the first shot to the second shot for the

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determined duration, wherein the transition sequence is inserted into the video sequence" (col. 5, lines 25 – 29, cols. 7 – 8, lines 55 – 20, encoded onto the frames is the same as inserting), and "training a classifier to detect a transition effect within the generated video sequence" reads on (i.e. col. 4, lines 37 – 52, col. 7 – 8, lines 55 – 15). It is unclear that the transition sequence as taught by Wilcox is synthesized. There is indication (i.e. col. 4, lines 54 – 56 of Wilcox) of operator defines the transitions between states. However, synthesizing the new generated video sequence using identified transitions is well known and used in the prior art of the record as evidenced by Szeliski '491 (i.e. fig. 2, 202) wherein teaches selecting the frame associated with a particular transition and manipulate/synthesize those frames to generate a new sequence of frames. Therefore, taking the combined teaching of Wilcox '542 and Szeliski '491 as a whole, it would have been obvious to one skilled in the art at the time of the invention was made to modify the training classifier with a synthesizer as taught by Szeliski '491 to place the new video sequence in a synthesized order with respect to frames associated with these transitions.

Regarding claims 6, 12 – 13 and 29, combination of Wilcox '542 and Szeliski '491 teaches, "probability distribution represents a fixed duration, claim 12" reads on (i.e. fig. 7, T2 – T3 of Wilcox) and "the transition sequence comprises one or more of: a fade, a dissolve, a wipe ..... claims 6, 13 and 29" (i.e. fig. 2 of Wilcox).

Regarding claim 4, combination of Wilcox '542 and Szeliski '491 teaches, "outputting a location and duration of one or more transition effects" (i.e. fig. 7, of Szeliski).

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Regarding claims 26 - 28, the limitations claimed (claim 26) are substantially similar to claim 11, and are computer implemented software and instruction to carry on the process, and reads on (i.e. fig. 8, col. 11, lines 7 – 19 of Wilcox), and “one or more transition effects include a portion of the first shot and a portion of the second shot, claim 27” reads on (i.e. col. 3, lines 25 – 45 of Wilcox), and “first shot before the transition effects and the second shot after transition effects, claim 28” reads on the fact that, Wilcox teaches “segment including shots and shot includes multiple frames as discussed in the above” therefore the presence of a transition would be between two frames, in which one would be before the transition and the other one would be after the transition.

Regarding claims 30 - 32, the limitations claimed are already discussed and covered in claim 11 above.

Regarding claims 33 – 34, combination of Wilcox '542 and Szeliski '491 teaches “random video shots” (i.e. fig. 1, 192 of Szeliski) and “transition effect is associated with a duration on a probability” (i.e. fig. 7 of Wilcox).

Regarding claim 35, combination of Wilcox '542 and Szeliski '491 teach, “classifier module comprises re-scaling a time series of frame-based feature” (i.e. cols. 12 – 13, lines 65+ analyzer and synthesizer of Szeliski).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**


**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. M. S. 

8/20/2005

  
VULE  
PRIMARY EXAMINER